GOVERNMENT OF INDIA
AGRICULTURE
LOK SABHA

UNSTARRED QUESTION NO:1358
ANSWERED ON:26.11.2001
PATENT FOR MICROBES
P.R. KHUTE

Will the Minister of AGRICULTURE be pleased to state:

(a) whether microbes can be preserved in the Indian laboratories for the purpose of patent;

(b) if so, the details thereof;

(c) whether any microbe can be patented; and

(d) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI HUKUMDEO NARAYAN YADAV)

(a) Yes, Sir. If the patent application is for an Indian patent.

(b) For the purpose of patent procedure microbe has to be deposited in an International Depository Authority (IDA).This is governed by Budapest Treaty. India has submitted Instrument of Accession to World Intellectual Property Organisation (WIPO), Geneva on 17th September, 2001 to be part of Budapest Treaty. This will come into force from 17th December, 2001.

From 17.12.2001 for patenting in India involving any microorganism, microbe can be deposited in any International Depository Authority (IDA) and this can be disclosed in the Indian Patent Application.

(c) No, Sir. Microbe cannot be patented as per the provisions of the Indian Patents Act presently in vogue.

(d) Question does not arise, Sir.